

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CARSON OPTICAL, INC. and LEADING  
EXTREME OPTIMIST INDUSTRIES  
LIMITED,

Plaintiffs,

09-CV-1625 (TCP)

-against-

**ORDER**

ELECTRO-OPTIX, INC. and CHRISTOPHER  
SCHOENJOHN,

Defendants.

-----X  
PLATT, District Judge.

Before the Court is Magistrate Judge Arlene R. Lindsay's Report dated June 8, 2010 which recommends that the default judgment entered against defendants on May 18, 2010 (D.E. # 15) be vacated in the interests of justice and which also recommends that defendants' service-of-process argument be considered waived for failure to raise same in a motion to dismiss.

The undersigned, having reviewed Magistrate Judge Lindsay's Report and there being no objection to it, hereby adopts the Report in its entirety.

Accordingly, the default judgment entered against defendants on May 18, 2010 is hereby vacated and defendants' service-of-process argument is deemed waived.

**SO ORDERED.**

Dated: July 8, 2010  
Central Islip, New York

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Thomas C. Platt, U.S.D.J.